

W5YI

Nation's Oldest Ham Radio Newsletter

REPORT

Up to the minute news from the world of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable. May be reproduced providing credit is given to The W5YI Report.

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NPRM Issued on Vanity Amateur Station Call Signs

The text of the FCC's proposal to implement vanity (licensee selected) amateur radio station call signs was released at the end of December.

Essentially the rule making provides permits:

1. Individual ham operators to apply for a specific available call sign which is appropriate for their license class.

2. Licensees would use a new FCC Form 610-V to select up to ten call signs in order of preference. (If all are unavailable, the current call sign would be assigned.)

3. Club stations will also be able to choose a specific available call sign. RACES and military recreation stations are not eligible for vanity call signs.

4. The cost of a special call sign will be \$70 for a ten year term. All Form 610-V applications with fees will go to a special address.

5. Amateurs holding vanity call signs who upgrade or otherwise modify their license will not be granted a new full ten year term. Their new license will bear the original expiration date.

6. All licensees will only have one station call sign. Their current call sign will be vacated (and immediately available for reassignment) once a vanity call sign is assigned.

7. The FCC will issue public announcements describing the vanity call sign system.

8. The current (no cost) sequential call sign system will remain in place for those who do not wish a specific call sign.

Here is the complete text of the NPRM:

Before the
Federal Communications Commission
Washington, DC 20554

PR Docket No. 97-305

In the Matter of

Amendment of the Amateur Service Rules to
Implement a Vanity Call Sign System

NOTICE OF PROPOSED RULEMAKING
Adopted Dec. 13, 1993: Released: Dec. 29, 1993

Comment Date: March 7, 1994
Reply Comment Date: April 7, 1994

By the Commission:

I. INTRODUCTION

1. The ardent desire of amateur operators for call signs of choice presents an opportunity for us to focus on serving an important segment of the public. By this *Notice*, therefore, we propose to amend the amateur service rules to authorize the use of vanity call signs as set forth herein.

II. BACKGROUND

2. Each amateur station licensed by the

Commission is assigned a unique call sign.¹ The assigned call sign itself conveys no frequency or operating privileges. Its only purpose is to provide for over-the-air identification of the station.² Nonetheless, amateur operators have a very high regard for call signs. They frequently request specific call signs with letters that represent something that is important to them, such as their initials, nicknames, or personal statements. Our current automated licensing process, however, will not support a vanity call sign system. The system is nearly two decades old and simply assigns call signs sequentially from groups of call signs according to the applicant's class of operator license and mailing address.³

III. DISCUSSION

3. Information age technology is providing the capability to administer a vanity call sign system and provide better and more friendly service to our customers. The Private Radio Bureau's Licensing Division will soon be installing a new automated licensing process that will provide greater flexibility in licensing. With the added capability, we can now propose to amend the rules to implement a system whereby amateur station licensees could select call signs of their choice, provided they are not already assigned. This vanity call sign system would be in addition to the current sequential call sign system that we could continue to use for those applicants who do not want a vanity call sign.

4. The rules we are proposing herein would allow the licensee of an existing primary station⁴ to re-

quest a modification of the license to show a call sign selected by the licensee. We also propose to extend the privilege to the license trustee of an existing club station. Finally, we also propose to administer a club and military recreation station call sign system under our new automated licensing process.⁵

5. Applications for a vanity call sign would use a new application form.⁶ The applicant would list on the form a maximum of ten call signs, in order of preference. The form would then be filed with the Commission.⁷ We request comment on other means, such as magnetic computer disks, that applicants could use to apply directly to the Commission for a vanity call sign. The automated process would compare the applicant's list with the assigned call signs in the groups designated in the sequential call sign system for the applicant's class of operator license. The first available call sign from the applicant's list would then be assigned. If none of the call signs listed are available, the automated process would reassign the call sign that the applicant had vacated. The vanity call sign listed by the applicant must be within the framework of the sequential call sign assignment system wherein certain groups of call signs are designated for each class of operator license. Applicants, therefore, could choose call signs from the groups corresponding to their license classes or lower license classes.⁸

⁵ In a related *Order*, adopted today, we are terminating the privately administered club call sign and military recreation system that we adopted on May 11, 1993. See 8 FCC Rcd 3594 (1993)

⁶ FCC Form 610-V. FCC Form 610 which is currently used by applicants would also advise licensees holding vanity call signs to submit FCC Form 610-V with the proper fee if they want to renew their license and retain the vanity call sign.

⁷ Section 9(g) of the Communications Act of 1934, as amended, 47 U.S.C. §159(g), specifies a fee of \$7.00 per year for amateur service vanity call signs. Section 9(f)(1) allows the Commission to require payment of small fees in advance for a number of years not to exceed the relevant license term. The Commission will conduct a rule making to implement these regulations. A vanity call sign system will not be started until the issues regarding implementation of fees have been resolved.

⁸ In the case of a club station, the license trustee's class of operator license would apply. Because military recreation stations and radio amateur civil emergency stations (RACES) are licensed to non-

¹ Some possible amateur station call sign variations are K1SS, N2WHY, W3CAT, AA4AA, KA5LAW, NB6HAM, and WC7SKI. There are almost 15 million possible combinations of letters and numbers for amateur station call signs.

² Section 97.119(a) of the Commissions Rules, 47 C.F.R. §97.119(a), requires an amateur station to transmit its call sign on its transmitting channel at the end of each communication and at least every ten minutes during a communication.

³ See *Amateur Station Call Sign Assignment System*, PR-5000, Private Radio Bureau Fact Sheet #206 dated June 1991. Stations licensed to the higher classes of operator license are assigned shorter call signs. Because shorter call signs are fewer in number, they are generally considered more desirable.

⁴ A station licensed to an individual is a primary station. See Section 97.5(d)(1) of the Commission's Rules, 47 C.F.R. 97.5(d)(1).

6. Licensees requesting vanity call signs would find it helpful to know which call signs are assigned at the time that they file their applications so that they can make prudent selections of call signs with a real possibility that their requests can be granted. Even with our enhanced licensing system, we do not currently envision on-line access by the public to check for call sign availability. We request comments on how this service could be made available.

7. The system that we are proposing should be viewed as but one step in creating a government agency that works better and costs less.⁹ We note that the amateur service is on the cutting edge of information technology. Electronic bulletin boards are commonplace in the amateur service. Its volunteer examiners use modern information systems to prepare and administer paperless license examinations, to prepare examination session manifests, to maintain a licensee data base and a host of other activities. Examinees study for examinations using computer-aided instruction. Our amateur service licensee data base is widely available from entrepreneurs and bulletin boards in practically all forms of magnetic media.¹⁰ Our goal is to accept eventually applications for licenses or call signs electronically. We may even be able to issue the licenses electronically at some future date. As a starting point, we hope to accept application data from the volunteer-examiner coordinators by the end of 1994. We request comment on the options that may be available to allow electronic data transfer as soon as

amateur operators, these stations would not be included under the vanity call sign system. Persons commenting on this proposal, however, may wish to submit alternatives suggesting ways that military recreation and RACES stations might be able to be brought into a system that would afford them call signs of choice.

⁹ Vice President Al Gore, Report of the National Performance Review, *From Red Tape to Results: Creating a Government That Works Better and Costs Less* (1993). The Vice President's Report stresses putting people first. Serving customers are cutting costs are two of its key principles. This *Notice* embraces these principles by seeking ways to use efficient technologies that are now available to the Commission to provide amateur community customers with the services they desire.

¹⁰ The amateur service licensee data base is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. (703) 487-4600 or 1-800-553-NTIS.

possible. Ultimately, we may be able to develop a system whereby authorization occurs instantly.¹¹

IV. CONCLUSION

8. We firmly believe in the principle that government should be responsive to user needs. Therefore, we are attempting to satisfy the desires of persons in the amateur community who want to choose their own call signs. The vanity call sign system that we have proposed is designed to be practicable to administer and simple for the amateur community to use. Accordingly, we propose to amend the amateur service rules to provide a vanity call sign system. Comments are invited on the proposal.

V. PROCEDURAL MATTERS

Regulatory Flexibility Act

9. We certify that the Regulatory Flexibility Act of 1980 does not apply to this rule making proceeding because, if the proposed rule amendments are promulgated, there will not be a significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. The amateur stations that are the subject of this proceeding would not be authorized to transmit any communications where the station licensee or control operator has a pecuniary interest. The Secretary shall send a copy of the *Notice of Proposed Rule Making*, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 605(b) of the Regulatory Flexibility Act, Pub. L. No 96-354, 94 Stat. 1164, 5 U.S.C. §§ 601-612 (1980).

Ex Parte Rules - Non-Restricted Proceeding

10. This is a non-restricted notice and comment rule making proceeding. *Ex Parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission rules. See generally 47 C.F.R. §§ 1.1202, 1.1203 and 1.1206(a).

Comment Dates

11. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§1.415 and 1.419, interested parties may file comments on or before March 7, 1994, and reply comments on or before April 7, 1994. To file formally in this proceeding, you must file an original and four copies of all comments and reply comments. If

¹¹ The licensee data base, for example, could serve as the instrument of authorization.

you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the F.C.C. Reference Center of the Federal Communications Commission (Room 239), 1919 M Street, N.W., Washington, DC 20554.

Authority

12. Authority for issuance of this *Notice of Proposed Rule Making* is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§154(i) and 303(r).

Contact Person

13. For further information concerning this proceeding, contact Maurice J. DePont, Private Radio Bureau, (202) 632-4964.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary

APPENDIX

Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

Part 97 - Amateur Radio Service

1. The authority citation for Part 97 continues to read as follows:

Authority citation: 48 Stat. 1066, 1082, as amended; 47 U.S.C. §§ 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. §§ 151-155, 301-609, unless otherwise noted.

2. In Section 97.17, paragraphs (b), (c), (f) are revised and a new paragraph (g) is added to read as follows:

§ 97.17 Application for new license.

(b) Each application for a new amateur service license must be made on the proper FCC form:

- (1) FCC Form 610 for a new operator/primary station license;
- (2) FCC Form 610-A for a reciprocal permit for alien amateur licensee; and
- (3) FCC Form 610-B or a new amateur service club or military recreation station license.

(c) Each application for a new operator/primary station license must be submitted to the VEs admini-

stering the qualifying examination.

(f) One unique call sign will be assigned to each new primary, club, and military recreation station using the *sequential call sign system* (call sign is selected sequentially by the FCC from an alphabetized list corresponding to the geographic region of the licensee's mailing address and class of operator license.) The FCC will issue public announcements detailing the procedures of the sequential call sign system.

(g) Each application for a new club or military recreation station license must be submitted to the FCC, 270 Fairfield Road, Gettysburg, PA 17325-7245. No new license for a RACES station will be issued.

3. Section 97.19 is revised in its entirety to read as follows:

§ 97.19 Application for a vanity call sign

(a) A person holding an operator/primary or club station license may request a modification of the license to show a call sign assigned under the *vanity call sign system* (licensee selects the call sign.)

(b) Each request for a modification of a operator/primary or club station license to show a new call sign assigned under the vanity call sign system must be made on FCC Form 610-V. The form must be submitted with the proper fee to the address specified in the Private Radio Services Fee Filing Guide.

(c) Each request for a renewal of a operator/primary or club station license retaining a call sign assigned under the vanity call sign system must be made on FCC Form 610-V. The form must be submitted with the proper fee to the address specified in the Private Radio Services Fee Filing Guide. To renew the license without retaining a vanity call sign, the applicant must use FCC Form 610 as specified in Section 97.21.

(d) The following persons are eligible to apply for a new vanity call sign:

(1) The holder of a valid operator/primary station license; and

(2) The license trustee holding a club station license.

(e) RACES and military recreation stations are not eligible for a vanity call sign.

(f) Only unassigned call signs are available to the vanity call sign system.

(1) A call sign that was previously assigned to a station whose license has lapsed is not available to the vanity call sign system for 2 years following expiration of the license.

(2) A call sign assigned to a station of a deceased licensee is not available to the vanity call sign

system for 2 years following the licensee's death, or for 2 years following the expiration of the license, whichever is sooner.

(3) A call sign that is vacated by the licensee is available immediately to the vanity call sign system.

(4) The FCC will issue public announcements detailing the procedures of the vanity call sign system.

4. Section 97.21 is revised in its entirety to read as follows:

§97.21 Application for renewal, reinstatement, or modification of a license.

(a) Each application for renewal, reinstatement, or modification of an amateur service license must be made on the proper FCC form(s):

(1) FCC Form 610 to request renewal or reinstatement of an operator/primary station license. The form must be submitted to the FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. When the applicant desires to retain a call sign that was assigned under the vanity call sign system, FCC Form 610-V must be used as specified in Section 97.19.

(2) FCC Form 610 to request modification of an operator license showing a change in operator class. The form must be submitted to the VEs administering the qualifying examination. A request for a vanity call sign may *not* be filed with the administering VEs. When the applicant desires to retain a call sign that was assigned under the vanity call sign system, the license will bear the original expiration date.

(3) FCC Form 610 to request modification of an operator/primary station license showing a change of mailing address, change of name, or change of call sign to be assigned under the sequential call sign system. The form must be submitted to the FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. When the applicant desires to retain a call sign that was assigned under the vanity call sign system, the license will bear the original expiration date.

(4) FCC Form 610-B to request renewal of a club, military recreation, or RACES station license. The form must be submitted to the FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. If the station has a call sign that was assigned under the vanity call sign system, FCC Form 610-V must be used as specified in Section 97.19.

(5) FCC Form 610-B to request modification of a club, military recreation, or RACES station license showing a change of mailing address, change of license trustee or custodian, or change of call sign to be assigned under the sequential call sign system. The form must be submitted to the FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. When the applicant desires to retain a call sign that was assigned

under the vanity call sign system, the license will bear the original expiration date.

(6) A reciprocal permit for alien amateur licensee is not renewable. A new, reciprocal permit may be issued upon proper application.

(b) Each application for renewal, reinstatement, or modification of an amateur service license must be accompanied by a photocopy of the license document or the original document, unless it has been lost, mutilated, or destroyed.

(c) When the licensee has submitted a timely application for renewal of an unexpired license (between 60 and 90 days prior to the end of the license term is recommended), the licensee may continue to operate until the disposition of the application has been determined. If the license expires, application for reinstatement may be made during a grace period of 2 years after the expiration date. During this grace period, the expired license is not valid. A license reinstated during the grace period will be dated as of the date of the reinstatement.

(d) Under the sequential call sign system, unless the licensee requests a change, the same call sign will be assigned to the station upon renewal, reinstatement, or modification of a station license.

(5) Current sections 97.21, 97.23, 97.25, and 97.27 are redesignated as sections 97.23, 97.25, 97.27 and 97.29 respectively.

In a separate **MEMORANDUM OPINION AND ORDER** adopted December 13, 1993 (Released December 29, 1993) the FCC invalidated the Call Sign Administrator rules adopted on May 11, 1993.

Section 97.19 has now been returned to its previous version pending a final ruling on the vanity call sign system.

Section 97.29 Club and military recreation station call sign administration is cancelled and removed from Part 97.

• For those of you who are not familiar with the **background of "vanity" call signs**, this effort is basically the work of a single Texas amateur. **Jim Wills, N5HCT** of Tyler, Texas wanted to obtain a station call sign he had previously held. He began by filing a *Petition for Rulemaking* which was denied by the FCC in 1990 because they lacked authority to charge a fee. Wills finally convinced his Congressman that amateurs indeed wanted special station call letters and were willing to pay for them. Even the FCC was not aware that a provision for "Amateur Vanity Call Signs" carrying a \$7 *Annual Regulatory Fee* was part of Pres. Clinton's much publicized *Deficit Reduction Plan* until they read it in the legislation! Regulatory fees reimburse the FCC for the cost of its rulemaking and enforcement effort.

BRITISH RADIO EAVESDROPPERS GET BUSTED

Both the *San Francisco Chronicle* (12/28) and *Chicago Tribune* (12/27) newspapers reported on a rather amusing story involving British ham radio operators. (The story originated over the Reuters news-wire.)

It seems British cops set up a sting operation to catch ham radio operators in Northern England who break the law by illegally using police radio transmissions. The police issued a phony broadcast about aliens landing nearby and then arrested those who showed up to see the people from outer space. The eavesdroppers "...could hardly believe their ears -- aliens were invading planet Earth . . . Doncaster to be exact." Several people were charged with acting illegally on information contained in police broadcasts.

Another spoof broadcast said bags of money had been discovered in woods and large sums were blowing around. Within two minutes, a first car of eavesdroppers arrived in the hopes of picking up some of the booty. South Yorkshire police ordered "Operation Marconi" when they suspected that criminals were benefiting from information gleaned from the airwaves.

While it is not illegal to listen to police radio transmissions in Great Britain, it is against the law to act on any information heard when monitoring police frequencies. It should also be pointed out that in England, scanner operators are also considered amateur radio operators.

DX GIANT LLOYD COLVIN, W6KG - DEAD AT AGE 68

We received a sad note from *Iris Colvin, W6QL* of Castro Valley, CA telling us that her husband passed away December 14, 1993 in Istanbul, Turkey. Both Iris and Lloyd were on one of their many YASME DX-peditions at the time.

"Born April 24, 1915, Lloyd led a full and interesting life. He became a ham operator at the age of 12 and continued his hobby until the end, holding the call of TA1/W6KG. He traveled to 223 countries, operating radio in over 100 of them. He served 30 years in the U.S. Army, retiring as Lt. Colonel. As general contractor and president of Drake Builders, he built numerous houses, apartment buildings and hospitals in the bay area."

He is survived by his wife, Iris Colvin, his daughter Joy Gilcrease, and his granddaughters, Justine and Vanessa Gilcrease. His remains were scattered at sea and there was no public ceremony. [Messages of condolence may be sent to *Iris Colvin, W6QL* - c/o YASME, 5200 Panama Avenue, Richmond, California 94804.]

NOVEMBER AMATEUR LICENSING STATISTICS

November	1990	1991	1992	1993
New Amateurs:				
New Novices	1498	813	454	136
New Tech's	182	1815	1054	1762
Total New:	1746	2687	1525	1930

Upgrading:				
Novices	1016	491	216	302
Technicians	633	*404	*284	*473
Generals	494	241	170	335
Advanced	264	209	122	217
Total:	2407	1345	792	1327

Renewals:				
Total Renew:	28	80	35	745
Novices	4	7	1	51

Purged:				
Total Dropped:	1300	19	4	21
Novices	519	4	1	3

Census:				
Indiv. Oper.	496947	539200	584350	630636
Change/Year	+30409	+28500	+45150	+46286

Individual Operators by Class: (and % of total)

Extra	Advan.	General	Technic.	Novice	Total:
November 1990					
53520	105102	119552	126543	92230	496947
10.8%	21.2%	24.0%	25.5%	18.5%	100.0%

November 1991					
57174	107485	122462	155368	96711	539200
10.6%	19.9%	22.7%	28.8%	18.0%	100.0%

November 1992					
60986	109769	124924	189721	98950	584350
10.4%	18.8%	21.4%	32.5%	16.9%	100.0%

November 1993					
65127	112705	127185	225521	100098	630636
10.3%	17.9%	20.1%	35.8%	15.9%	100.0%

RACES & Military:	(1990)	(1991)	(1992)	(1993)
	2434	2431	2431	2430
Total Active:	499381	541631	586781	633066
% Increase	+6.0%	+8.5%	+9.0%	+7.9%

(* = Does not include Technicians upgrading to Tech Plus)

AMATEURS BY CALL SIGN GROUP:

Group	Extra	Advan.	General	Technic.	Novice	Total
A	36567	682	249	7	0	37505
B	4383	30077	54	6	1	34521
C	14958	44650	67772	97591	47	225018
D	8973	37180	59003	127856	100048	333060
Other	246	116	107	1	2	532
Total	65127	112705	127185	225521	100098	630636

[Group "A"=2X1 & 2X2; "B"=2X2; "C"=1X3 "D"=2X3 format.]

[Source: FCC Licensing Facility, Gettysburg, PA]

W5YI REPORT

Nation's Oldest Ham Radio Newsletter

Page #9

January 15, 1994

• In anticipation of the Information Highway, *firms are rushing to get an "on line" (entrance ramp) service going!* The key players now are **America On-line**, General Electric's **Genie**, **Prodigy** (IBM/Sears) and **CompuServe** - owned by H&R Block. Together they reach some four million subscribers.

Microsoft has a new one coming (code-named "**Marvel**") and Apple Computer launched "**e-World**" a couple of weeks ago which (at present) works only on Macintosh computers and Newton personal communicators. The service will be bundled with every Apple computer sold. Plans are to expand it to IBM-compatible PCs running Windows later on this year. Through "e-World," subscribers can access the Internet and other on-line services. Apple-Link, an electronic mail service, will be folded into e-World.

• *On Jan. 4th, MCI announced its new "networkMCI"* - a \$20 billion fiber optic *Transcontinental Information Superhighway* project. MCI said that the *National Science Foundation Network* (NSFNET) is the first user of its New York to Los Angeles SONET - *Synchronous Optical Network*. The NSFNET *Backbone Service* is the fastest and most powerful of the university, government and commercial networks known collectively as the *Internet*. MCI developed these intercity links for the Internet six years ago.

The NSFNET service today reaches nearly 15,000 networks around the world that participate in the Internet. The Internet doubles in size annually and now links over two million computers serving some six million users. When electronic mail interconnects are taken into account, nearly 20 million users conduct their business from labs, homes and offices over the Internet.

NSFNET now carries a volume of information that approximately equals the holdings of the Library of Congress each month and MCI said that its "networkMCI" has the potential to carry more than 50 times that much traffic."

• *Be on the lookout for a multitude of new home-oriented PC magazines!* Big publishers (Ziff-Davis, CMP Publications, International Data Group) and software companies (such as Microsoft, and WordPerfect) all plan new home titles that focus on education, entertain-

ment, personal finance, productivity, multimedia applications and new technology.

• The DC Circuit Court of Appeals struck down two provisions of the 1992 Cable Act which permitted cable operators to ban sexually explicit material and other programming they believe to be indecent. The "*Miss Howard Stern New Year's Eve Pageant*" pulled in record PPV revenues. More than 250,000 subscribers paid \$10 million (\$39.95 each) - half of which went to Stern.

• "*If You Build It, Will They Come?*" is an interesting article on *Interactive Video* in a recent issue of *Multichannel News* - a cable-TV industry weekly trade journal. It seems the public wants (or at least *thinks* they want) movies-on-demand, video games and shows, merchandise ordering capability, interactive sports and news services ...*even ordering pizza by television!* We thought people wanted to do that by ham radio!

That got us curious. So we made a couple of phone calls (to Domino's and Little Caesar's) to inquire about how the ham radio pizza ordering business was going now that it is legal. Neither said they have ever had an order come by ham radio - although one said they thought they got one once from a carphone. "Why would anyone want to order a pizza by ham radio? If they are close, they have a telephone. And we don't deliver to Switzerland." Interactive TV services, take note. Our research shows that if you build it, they may not come.

• Do you remember the story we did in the Nov. 15th issue on amateur **Chris Boyer, KC6UQG of San Diego, CA who summoned help for a badly injured friend** using a modified ham radio tuned to a public safety (sheriff's) frequency. Boyer said it was the only communications method available to him that worked. He supposedly tried both amateur and cellular frequencies.

Even though the rules permit the use of any communications means at a person's disposal in an emergency situation, Boyer later got called on the carpet by the sheriff and the FCC. According to a newspaper account, he surrendered his \$500 transceiver to avoid further penalties - which could

have included a heavy fine and imprisonment.

We called the San Diego FCC field office and asked engineer Jerry Mann about the matter last November. He said he could not comment since the Boyer case was still open and FCC action was pending. Mann said he would get back to us once the path of action was determined.

We checked back again last week (two months later) with Mann and was told that there has been very little movement. The case was still pending, but had a low priority. We were *again* promised that we would be FAXed more on this case once FCC action is taken.

• The FCC has been ordered by the 9th Circuit Court of Appeals to explain how *regulations (\$73.201) precluding micro power broadcasting* serve the public convenience, interest and necessity.

Free Radio Berkeley (FRB) and *San Francisco Liberation Radio* (SFLR) have been cited by the FCC - and \$20,000 and \$10,000 penalties imposed - for broadcasting without a license.

Attorneys for FRB and SFLR contend the *Communications Act of 1934* does not give the FCC the legal authority to regulate broadcasts of a non commercial nature which do not cross state lines as in the case of low power FM and TV broadcast signals.

The *Committee on Democratic Communications* (CDC) believes the FCC is engaging "...in a de facto campaign of censorship and have failed to preserve the air waves as a public medium of communication as mandated by the *Communications Act of 1934*."

The CDC says they "...will continue our campaign to reclaim the airwaves by encouraging massive civil disobedience until the FCC recognizes the legitimacy of micro power broadcasting as a protected free speech activity and a basic human right."

• *All telephone area codes with "0" or "1" as the middle digit have been assigned.* New codes will have a middle digit of 2 through 9. This could cause difficulty with some phone systems which preclude long distance access based on the existence of a 0 or 1 as the second digit.

• After trying for almost three years to install and maintain an Amateur Radio antenna, **Don Stoner, W6TNS, of Clearwater, Florida has initiated a lawsuit that could have significant impact on hams in other areas of the country.**

Many condominiums and community associations have restrictions on antennas, called restrictive covenants. Usually they specify that no antennas be erected, which covers ham radio as well as satellite dishes.

The suit, which contains 11 counts, 142 paragraphs and weighs almost four pounds, was initiated on Jan. 30, 1993, against the defendant, 440 West, Inc. Stoner maintains in the lawsuit that the Association has installed community television antennas, and a radio system for condominium security, in direct violation of their own rules.

Stoner maintains the action of 440 West, Inc., has violated his civil rights and freedom of speech. W6TNS alleges that as a result of the actions of the Association, he is no longer able to talk with his friends, made as a ham radio operator in the past 40 years. He further alleges the restriction the Association relies on, for its right to ban ham radio, specifically applies to television antenna and nothing else. Stoner was forced to take down a longwire antenna even though there was no restriction against a receiving antenna in the Association documents.

In an unusual approach to resolving Association concerns about multiple antennas, Stoner offered to install a community ham radio antenna, incorporating the AEA, Inc., "Hamlink," stating that any licensed resident could use the system without adding any wiring or other antenna. The Association refused this reasonable offer and the lawsuit was initiated.

If W6TNS wins this lawsuit, it could impact the situation of other hams throughout the country. Many condominium associations, planned communities and mobile home parks have restrictive covenants and/or deed restrictions which attempt to restrict the activities of Amateur Radio operators in every state of the nation.

To provide a more complete solution to the restrictive covenant problem, Stoner also is working with Florida legislators to introduce ham radio provisions, that would benefit all Amateurs, into the State law. Don Stoner, W6TNS,

who is the President of The National Amateur Radio Association, believes that restrictive covenants work against the safety of the entire community and should be revised. Recently, Florida residents had a painful, first-hand example, when hurricane Andrew devastated the southern end of the state.

The legislation proposed by Stoner requires that each condominium, planned community, and mobile home park be required have an emergency preparedness plan, which includes ham radio. If an Amateur lives in one of these communities, he or she would be allowed by law to install an antenna system suitable for providing safety communications to the community.

Additional information: Richard Heiden at Klimpton, Burke & White, 28059 US Hwy. 19 North, Clearwater, FL 34621 (Tel. (813) 791-0063.) Heiden is the attorney of record in Stoner's suit and directs legislative efforts in Florida.

• **Superpressure Balloon Launch** - A cooperative group from Utah State University, Logan, Utah, members of the amateur radio community, and Winzen International had planned on launching **SuperBall 1-94** on January 5, 1994 from the Logan Municipal Airport. Due an approaching storm, however, the launch has been delayed past our publishing deadline.

The nylon superpressure balloon for this flight is 76 feet in diameter. It was manufactured and donated by Winzen International of San Antonio, Texas. The expected daytime float altitude of this helium filled balloon will be 120,000 ft., some loss of altitude is expected at night. Theoretically the technology is capable of maintaining a payload at altitude for long periods of time, potentially years. The initial track of SuperBall will depend on upper air conditions at the time of launch.

The payload, which is limited to a gross weight of 4 kilograms, or 8.8 pounds consists of the following sub-systems:

1. An instrument package containing a 5 channel Magellan GPS receiver.
2. A 1/2-watt VHF MCW beacon operating on 145.871 MHz with the call sign N7YTK. Every minute it will transmit data from instruments listed above.
3. A one-watt CW 15-meter beacon operating on 21.229 MHz with a call sign of WB8ELK. Every 5 minutes

it will transmit data identical to that sent on the 145.871 MHz beacon.

4. An ATV system consisting of a black-and-white CCD camera and associated one-watt transmitter operating on 434.00 MHz.

5. A cutdown package containing a VHF command receiver, DTMF decoder and barometric switch, and;

6. Several Lithium battery packs.

7. A one-watt VHF AFSK beacon transmitting ASCII data at 1200 baud on 145.968 MHz every two minutes alternating with the beacon in (2) above, with the call sign of WB8ELK, and;

8. A 60-milliwatt 10-meter CW beacon operating on 28.322 MHz every minute, with a call sign of WB8ELK, transmitting pressure altitude, internal temperature, external temperature and battery voltage.

The purpose of the SuperBall 1-94 mission is to certify this superpressure balloon technology for long-duration flight and to test our ability to control and receive data from a high-altitude research balloon for an extended period of time.

The float path of the balloon is very difficult to predict since the polar breakout usually occurs is this time of year frequently resulting in strong north-south currents.

Observers from the Jet Propulsion Laboratory, Martin Marietta and Utah State University's Space Dynamics Laboratory will be present at the launch. These people are potential users of the superpressure balloon for a Martian mission.

• **If you hear a VE9 prefix on the air - be aware that it is New Brunswick, (Canada).** Up until last month, New Brunswick amateurs were all VE1's. They now have the option of: (1) retaining their VE1 call or; (2) going to the new VE9 prefix with their current suffix - or; (3) obtaining a completely new VE9 call sign. No new VE1 call signs will be assigned in New Brunswick.

• ARRL Atlantic Director, Hugh A. Turnbull, W3ABC sent us a Jan. 2nd obituary from *The Washington Post* telling about the **death of Derrill Rohlf's, 69, W3WOX** of liver failure. Rohlf's headed our *DC Commercial Radio Test Center* at George Washington University where he was an electrical engineering professor.

NII, THE FEDERAL INFORMATION HIGHWAY SYSTEM

Vice president Al Gore began selling the administration's concept of a national information superhighway at the National Press Club in Los Angeles California on Tuesday December 21, 1993. He said "...the **National Information Infrastructure (NII)** would be like a system of highways - much like the interstates begun in the '50's." He called the Internet - the giant network of networks funded by the National Science Foundation "...a prototype of the NII."

"These are highways carrying information rather than people or goods. And I'm not talking about just one eight-lane turnpike. I mean a collection of Interstates and feeder roads made up of different materials... Some highways will be made up of fiber optics. Others will be built out of coaxial or wireless. But -- a key point -- they must be and will be two way roads." Gore said President Clinton would shortly "...present to Congress a package of legislative and administrative proposals on the telecommunications future we envision."

He started his speech by talking about the sinking of the Titanic 91 years ago. "Why did the ship that couldn't be sunk steam full speed into an ice field? For in the last few hours before the Titanic collided, other ships were sending [warning] messages [about the] great number large icebergs... And why, when the Titanic operators sent distress signal after distress signal did so few ships respond?"

"The answer is that -- as the investigations proved -- the wireless business then was just that, a business. Operators had no obligation to remain on duty. They were to do what was profitable. When the day's work was done -- often the lucrative transmissions from wealthy passengers -- operators shut off their sets and went to sleep. And when they sent the distress signals operators on the other ships were in bed.

"Distress signals couldn't be heard, in other words, because the airwaves were chaos -- willy-nilly transmissions without regulation. The Titanic wound up two miles under the surface of the North Atlantic in part because people hadn't realized that radio was not just a curiosity but a way to save lives. Ironically, that tragedy resulted in the first efforts to regulate the airwaves. Why did government get involved? Because there are certain public needs that outweigh private interests.

"A new world awaits us. It is one that can not only save lives but utterly change and enrich them. And to rethink the role of government once more. How do we balance private needs and public interests? It's important in discussing the information age that we discuss not merely technology, but communications.

"...these days, technology has brought us closer together. It is important in focusing on what's ahead in

communications, to zero in not on the technology, but what we use technology for. No one says 'Let's use the telephone.' They say, 'Let's call Grandma.'

"In this decade we will transmit more and more as well. We'll send and receive, not just on the telephone but across the full range of the new technologies. We'll turn from consumers into providers. ...the communications revolution recognizes each individual as a source of information that adds value to our community and to our economy.

"After World War II, when tens of millions of American families bought automobiles, we found our network of two-lane highways completely inadequate. We built a network of interstate highways. ...Today, commerce rolls not just on asphalt highways but along information highways. And tens of millions of American families and businesses now use computers and find that the 2-lane information pathways built for telephone service are no longer adequate.

"Computers have an ever-growing ability to transform data into recognizable images. And we are making greater use of them every year. But to communicate these images among ourselves, we need networks capable of carrying those images to every house and business. We know how to do that technologically, but we have to unscramble the legal, regulatory and financial problems that have thus far threatened our ability to complete such a network.

"Over half of the U.S. workforce is now in information-based jobs. The telecommunications and information sector of the U.S. economy accounts for more than 12% of the GDP. And it's growing faster than any other sector of our economy. Last year ...we exported over \$48 billion of telecommunications equipment alone. When AT&T sold the first cellular phone, they said there would be 900,000 of them by the year 2000. Well, we have 13 million now. And it's still 1993. The predictions for mobile telephone users for the year 2000 now total 60 million.

"This kind of growth will create thousands of jobs in the communications industry. But the biggest impact may be in other industrial sectors where those technologies will help American companies compete better and smarter in the global economy. If we do not move decisively to ensure that America has the information infrastructure we need every business and consumer in America will suffer.

"Systems of regulation that made sense when telephones were one thing and cable another, may just limit competition in a world in which all information can flow interchangeably over the same conduits. To understand what new systems we must create, though, we must first understand how the information marketplace of the future will operate.

"The new information marketplace based on these highways include four major components:

-- **First, owners of the highways** -- because unlike the interstates, the information highways will be built, paid for and funded by the private sector;

-- **Second, makers of information appliances**, like televisions, telephones and computers, and new products of the future that will combine the features of all three;

-- **Third, information providers** -- local broadcasters, digital libraries, information service providers, and millions of individuals who will have information they want to share or sell; ...and most important,

-- **Fourth, information customers**, justly demanding privacy, affordability and choice.

"At some time in the next decades we'll think about the information marketplace in terms of these four components. We won't talk about cable or telephones or cellular or wireless because there will be free and open competition between everyone who provides and delivers information. This Administration intends to create an environment that stimulates a private system of free-flowing information conduits.

"It will involve a variety of affordable and innovative appliances and products giving individuals and public institutions the best possible opportunity to be both information customers and providers. Anyone who wants to form a business to deliver information will have the means of reaching customers. And any person who wants information will be able to choose among competing information providers, at reasonable prices.

"But how do we get from here to there? This is the key question for the government.the Administration will support removal, over time, under appropriate conditions, of judicial and legislative restrictions on all types of telecommunications companies: cable, telephone, utilities, television and satellite. ...the legislative package we will ...set forth will be based on five principles...

-- **First, encourage private investment.** The example of Samuel Morse is relevant here. Basically, Morse's telegraph was a federal demonstration project. Congress funded the first telegraph link between Washington and Baltimore. ...as with the telegraph, our role is to encourage the building of the national information infrastructure by the private sector as rapidly as possible.

-- **Second, promote and protect competition.** ...we should prevent unfair cross-subsidies and act to avoid information bottlenecks that would limit consumer choice, or limit the ability of new information providers to reach their customers.

-- **Third, provide open access to the network.** Let's say someone has an information service to provide over the network. They should be able to do it just by paying a fair and equitable price to the network service provider. Without provisions for open access, the

companies that own the networks could use their control of the networks to ensure that their customers only have access to their programming. We need to ensure the NII [National Information Infrastructure], just like the PC, is open and accessible to everyone with a good idea who has a product they want to sell. This is essential if we are to have many information sources on it.

-- **Fourth, we want to avoid creating a society of information 'haves' and 'have nots.'** The most important step we can take to ensure universal service is to adopt policies that result in lower prices for everyone. The lower the price the less need for subsidies. The less fortunate sectors of the population must have access to a minimum level of information services... We believe the pro-competitive policies we will propose will result in lower prices and better service...

But we'll still need a regulatory safety net to make sure almost everyone can benefit. ...We cannot relax restrictions from legislation and judicial decisions without strong commitments and safeguards that there will be a "public right of way" on the information highway. We must protect the interests of the public sector.

-- **Fifth and finally: we want to encourage flexibility.** Technology is advancing so rapidly, the structure of the industry is changing so quickly, that we must have policies broad enough to accommodate change. As the Administration develops its legislation we are trying hard to follow the example set by the authors of the 1934 [Communications] Act. ...to enunciate key principles of policy, identify which government agencies will implement that policy, and then leave many of the details to them." Gore said that Congress already has several major telecommunications proposals in preparation.

"With high-level Congressional support, a growing consensus in industry, and leadership from the President, we have a unique opportunity. We can eliminate many of the regulatory barriers on the information highway -- and perform the most major surgery on the Communications Act since it was enacted in 1934.

"The challenge is not, in the end, the new technology. It is holding true to our basic principles. Whether our tools were the quill pens that wrote and then signed the Declaration of Independence or the laptop computers being used to write the constitutions of newly-freed countries ... better communication has almost always led to greater freedom and greater economic growth. That is our challenge. That is what this Administration -- and the nation -- will achieve."

"Like those wireless operators should have done in the North Atlantic, we should be alert to where the collisions could be. And we shouldn't hesitate to chart a new course. If we do that, then much more than the telecommunications industry will grow strong. This country and much of the human race will, as well."